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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Letter dated 17 February 1992 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to enclose herewith a letter dated 14 February 1992, addressed to you by His Excellency Mr. Kenan Atakol, Minister of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, with regard to the question of missing persons in Cyprus

I should be grateful to you if my letter and its enclosure were circulated as a document of the Commission on Human Rights under agenda item 10.

(Signed): Gündüz AKTAN
Ambassador
Permanent Representative

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I have the honour to refer to the statement made by the Greek Cypriot representative, Mr. Vanias Markides, at the forty-eighth session of the Commission on Human Rights, under agenda item 10, and to respond once again, as I did last year, to his unfounded allegations concerning the question of missing persons in Cyprus.

It will be recalled that the statement that had been made by the Special Representative of the Secretary-General in Cyprus, nearly 12 years ago, on 29 April 1981, announcing agreement between the two sides in Cyprus for the establishment of the Committee on Missing Persons, contained the following significant remark:

> "Furthermore, we hope the efforts of the Committee on Missing Persons will strengthen the spirit of cooperation and the joint endeavour undertaken in the framework of the intercommunal talks."

Unfortunately, the Greek Cypriot side's negative and propagandist approach to this tragic problem has so far prevented the achievement of that secondary but nevertheless important objective. Indeed, the opposite has in fact been the case.

The unceasing propaganda, based on misrepresentation and deception, that continues to be made by the Greek Cypriot side, coupled with periodic specially arranged press reports concerning so-called sightings of living Greek Cypriot missing persons in this or other town or mountain of Turkey, continues to perpetuate the pain and anguish of the distressed families, both Turkish Cypriot and Greek Cypriot and, moreover, has had, incredibly, the increasing effect of rekindling unjustified hopes in an increasing number of families on both sides that their loved ones may truly be alive.

This is a cruelty that must be stopped.

The Greek Cypriot representative, unfortunately, has merely repeated once again his side's unfounded allegations on the issue, apparently taking comfort from the unfortunate fact that the Turkish Cypriot side continues to be denied unjustly the right to speak before the Commission to reply to those baseless allegations.

The truth of the matter is that exactly the opposite of what the Greek Cypriot representative has said is true, calling to mind the late Archbishop Makarios's candid admission to President Rauf Denktas during their summit meeting, in February 1977, that the Greek Cypriot side was intent on making propaganda over the issue. In this the Greek Cypriots were encouraged by their continued recognition unjustly and illegitimately as the "Government of Cyprus", a status which had been usurped by them through the use of force in 1963-1964.

The Greek Cypriot side's allegations, repeated annually, are that the Committee on Missing Persons has been ineffective due to the Turkish Cypriot side's and particularly Turkey's alleged non-cooperation and that complete investigations are not capable of being conducted with a view to obtaining "convincing evidence" concerning the fate of the Greek Cypriot missing

persons, most of whom, according to rumours again fed by the Greek Cypriot propaganda machine, are held in Turkey, despite the public statement of the International Committee of the Red Cross dated 11 March 1976 that all Greek Cypriot prisoners had been returned to Cyprus and released.

Nothing can be further from the truth. The Greek Cypriot side does not consider it to be to its benefit, politically, to resolve this tragic issue in accordance with humanitarian principles and, to that end, it has consistently followed an obstructionist policy in order to leave it unresolved so that it may continue to be used for political propaganda in complete disregard for the pain and suffering of hundreds of families concerned on both sides.

Additional dramatic proof has just come to light in this regard.

A recent book entitled Chronicle of the Cyprus Tragedy - Summer 1974 (Appendix I) published in July 1991 in Nicosia by a Kosta Chr. Tzortgi, a former Greek officer serving in the Greek Cypriot National Guard, reveals information which must be the cause of embarrassment for the Greek Cypriot side. Quoting, as its source, the General Command Headquarters of the Greek Cypriot National Guard, the book contains long lists of officers and men of the National Guard who are classified as dead or missing in action.

A comparison between these newly published lists and the list of the so-called "1,619 missing Greek Cypriots" which the Greek Cypriot side has been distributing around the world since 1974, reveals dramatically that several of the officers and men appear on both lists.

In other words, we now know most categorically that persons listed officially as dead by the Greek Cypriot military authorities have been included in the list of 1,619 which the Greek Cypriot side has submitted and continues to this day to submit or distribute to international human rights organizations or at international meetings.

We expect that the Committee on Missing Persons in Cyprus will take this matter up, if it has not already done so, as a matter of urgency so that those who have been declared and listed officially as dead are deleted from the list of missing persons. This is also a clear requirement under the Committee's mandate.

This newly discovered source of evidence corroborates what the late Archbishop Makarios disclosed publicly soon after his return to Cyprus from exile at the end of 1974. In the video film "Atilla 74" which is a Greek Cypriot production and which was screened on British television, Channel 4, on 4 April 1988, Archbishop Makarios is seen in person stating: "We have some three thousand missing persons. I doubt whether more than a few have survived. Most, according to evidence in our hands, have been executed in cold blood".

So, Makarios declared that, possibly except for a few, all the Greek Cypriots known to be missing at the time were dead and, further, that the Greek Cypriot side had evidence to that effect. The theme of the recorded visual interview with Makarios was the Greek Junta's coup and atrocities in Cyprus.

What Makarios stated was subsequently corraborated by a Greek Minister (Mr. Evangelos Yannopoulos, Minister of Maritime Affairs) who stated the following to Eleftherotipia newspaper of Nicosia on 7 April 1988:

> "The two myths in Cyprus must be exposed as lies; the first myth being the case of the missing persons, and the second myth being the 'invasion' of Cyprus by Turkey. Those Greek Cypriots presented as missing persons are actually Greek Cypriot victims who were killed during the coup. As regards the invasion of Cyprus by Turkey, it was the Greek military that staged the coup and topped Makarios at a time when he was internationally recognized as the President of Cyprus. How is it possible to topple Makarios and start slaughtering the Greek Cypriots and Turkish Cypriots and impose a mad man like Sampson to head the Cyprus Government and yet expect no reaction from Turkey."

So, there must be evidence in the hands of the Greek Cypriot side indicating that almost all their missing persons are dead and how they met their fate.

We request the Commission to take cognizance of these statements from top Greek Cypriot/Greek leaders and to ask the Greek Cypriot representative to secure the submission by his side to the Committee on Missing Persons of all such evidence, if that has not already been done.

Thanks to Greek Cypriot press reports, further evidence is becoming known through confessions of Greek Cypriot victims of the atrocious Sampson coup of 15 July 1974. A perusal of the following Greek Cypriot newspapers: Proina Nea of 15 July 1989; Agon of 15 July 1989; Haravgi of 8, 15 and 17 July 1990; Ebros of 15 July 1990; Simerini of 15 July 1990; Eleftherotipia of 15 July 1990, will reveal the following:

(a) An article by a Matheos Kombos, in which he relates how a group of Greek Cypriot youths, who had been serving in Makarios's police force, were captured and tortured by Greek coupists and buried in a mass grave.

(b) Other Greek Cypriots tell of the horrors of the Greek engineered coup and how the indiscriminate killings and torture of civilians and officers of the Greek Cypriot National Guard left hundreds of the dead and dying to be scooped up by bulldozers and buried in mass graves before identification by the families concerned.

(c) The headmaster of a school in Nicosia describes how when the coupists' tanks filled the streets everyone was filled with fear and he admits his joy upon seeing the Turkish paratroopers land to liberate both Turkish and Greek Cypriots from the murderous coupists.

Despite all such evidence, since 1974 the Greek Cypriot side has insisted on keeping silent, refusing to publish officially full particulars of Greek Cypriots who lost their lives, whether their dead bodies have been recovered or not. It is important to bear in mind that Greek Cypriot sources themselves have recorded the history of the intra Greek Cypriot fighting during which an undisclosed number of people were killed and buried secretly in mass graves without identification. Instances are:

(a) Archbishop Makarios's statement before the Security Council on 19 July 1974:

"The coup caused much bloodshed and took a great toll of human lives. I am afraid that the number of casualties is large and that the material destruction is heavy".

(b) Glafcos Clerides in his book Cyprus - My Deposition, volume I, page 232:

"In the meantime several people, both Greek Cypriots and Turkish Cypriots, who, for one reason or another, found themselves in areas controlled by forces belonging to the other community, were killed in cold blood. Both the Greek Cypriot and Turkish Cypriot leaderships proved unable to prevent the extremist elements of their communities from committing such shameful barbaric and cowardly criminal acts. As a result, those who lost their lives were simply listed as missing persons".

(c) Nicosia cemetery priest Papa Tsestos speaking to TA NEA newspaper on 28 February 1976:

"I swear to God that they buried a curly haired, fair complexioned, 18-year-old youth while he was still alive. He had a wound in the right leg. He was moving... About 10 Turks were also buried with the Greeks. I buried 127 bodies. Fifty of them were collected from the streets and were buried outside the cemetery... I remember the day they first came to me. They said: 'Father, we have some dead bodies which we want you to bury'. 'With pleasure', I replied and asked how many bodies they had. Seventy-seven they said. An hour later a lorry arrived and I heard someone order: 'Dump them outside'. They were the bodies; they were all put in one common grave without waiting for identification by their relatives... It is time that the Turkish Intervention saved us from a merciless internecine war. Massacres were committed outside Kykko monastery and Limassol. I heard with my own ears the order: 'All of them to the last man must be killed tonight'."

(d) Mrs. Rena Katsellis, Member of Greek Cypriot House of Representatives, in her book Refugee in My Homeland (1974):

"Everyone is frozen with fear. They all listen speechless to hair-raising details; the small child who after being killed accidentally, was taken and buried secretly in a mass grave; the old man who, when he asked for the body of his dead son was shot on the spot; the tortures and executions at the central prisons ...".

It is against the factual and documented background described above that the Greek Cypriot side's orchestrated allegations on the question of the so-called Greek Cypriot missing persons must be judged. They are baseless and intended for propaganda. If they have any evidence they should submit it to the Committee on Missing Persons in Cyprus for thorough investigation. The Turkish Cypriot member of that Committee, assisted by an investigation group of experts, with the full participation of the neutral non-Cypriot third member and his assistants, stands ready to investigate any case or evidence

that may be submitted to the Committee. As far as I know, there is no serious outstanding matter before the Committee awaiting investigation by the Turkish Cypriot side.

The same cannot be said, however, about the Turkish Cypriot cases awaiting investigation by the Committee. We are under constant pressure from the Committee of Relatives of Turkish Cypriot missing persons who complain that they have not heard from the Committee, as they had expected to, ever since it was set up in 1981, in connection with the cases of their missing persons, which they believe were or should have been submitted to the Committee years ago.

The Greek Cypriot side claims that the Committee is ineffective. However, the Committee, as far as investigations are concerned, comprises two mechanisms. One is the Greek Cypriot investigative mechanism supervised by the Greek Cypriot member on the Greek Cypriot side, assisted by the neutral third member, in respect of Turkish Cypriot cases. The other is the Turkish Cypriot mechanism supervised by the Turkish Cypriot member on his side, assisted again by the third member, in respect of Greek Cypriot cases. If the allusion by the Greek Cypriot side is to the alleged ineffectiveness of the Turkish Cypriot mechanism, then the question must be asked why the Greek Cypriot investigative mechanism also has so far failed to elucidate the fate of even one Turkish Cypriot missing person. Since not a single case of either side has been resolved so far, it means that there is a serious "problem" within the Committee on some matter or other which cannot be overcome, owing presumably to the consensus requirement for decisions. There is nothing wrong or defective with the terms of reference or rules of procedure of the Committee. In its report to the Commission on Human Rights at its fortieth session (E/CN.4/1984/21, dated 9 December 1983) the Working Group on Enforced or Involuntary Disappearances wrote in paragraph 50:

> "... the Group stated that it had formed the view that the Committee on Missing Persons provided not only adequate but also appropriate machinery for resolving the outstanding cases of disappearances from both communities. Moreover, the Group stated that the Committee's purely humanitarian aims coincided with its own mandate".

The Turkish Cypriot side fully agrees with the above-quoted observation and considers it as valid today as when it was made and that if the Committee is now showing the necessary effectiveness it is the result of the Greek Cypriot side's deliberate policy of prolonging the issue so that it may be used for propaganda against Turkey in the international human rights forums in the vain expectation that such propaganda will pressurize Turkey into making impossible concessions on the Cyprus problem.

The tragedy of the problem of missing persons on the Turkish Cypriot side is all the more marked, but the Greek Cypriot representative has not considered its duty or responsibility to refer to it at all. The Greek Cypriot side professes, on the one hand, to view the problem as a purely humanitarian one and yet, on the other hand, it opts to keep silent about the Turkish Cypriot missing persons or even cruelly denies the existence of such a problem. For instance, Mrs. Rena Katsellis, the Greek Cypriot parliamentarian

speaking at the Council of Europe meeting in Strasbourg on 26 September 1984 said: "The Cyprus Government does not know of the existence of Turkish Cypriot missing persons but has stated its willingness to offer every facility for the investigation of the fate of anyone reported missing in Cyprus". Ironically, Mrs. Katsellis's statement was made at a time when in Nicosia the Committee on Missing Persons was in session and cases of Turkish Cypriot missing persons were being submitted to it for investigation.

The origin of the problem of missing persons in Cyprus was put succinctly by Sir Geoffrey Howe when he wrote on 6 March 1987 as follows to the Rt. Hon. Norman Tebbit M.P. in connection with a Greek Cypriot's letter to him on the issue:

> "... The problem of missing persons in Cyprus began in 1963 when a number of Turkish Cypriots disappeared following attacks by Greek Cypriots on the Turkish Community. In 1974 a number of Greek Cypriots and more Turkish Cypriots went missing, following the Turkish Intervention".

Sir Geoffrey's letter, together with several reports of the then Secretary-General of the United Nations to the Security Council during the period 1963-1965 concerning 211 Turkish Cypriot missing persons, explode the myth promoted by the Greek Cypriot side that the problem was one affecting Greek Cypriots only and that it arose in 1974 with the so-called "Turkish invasion".

There were 803 cases of enforced disappearances of Turkish Cypriots between 1963 and 1974, a period which is characterized as the darkest period in the history of Cyprus as regards gross violation of the human rights of Turkish Cypriots. These unfortunate people are all innocent civilians and not military as was mostly the case with the Greek Cypriot missing persons. Statistics are as follows:

	Turkish Cypriot	Greek Cypriot
Total reported missing	803	1,619
	%	%
Civilian	94.40	38.31
Military/Police	0.60	61.69
Men	71.00	92.00
Women	12.00	6.00
Children	17.00	2.00

Each case of disappearance on the Turkish Cypriot side is of a horrendous nature. One such case was revealed by the British daily newspaper The Guardian in its issue of 2 April 1988. It concerned the fate of some 25 Turkish Cypriot in-patients who disappeared from their beds overnight in 1963-1964. Commander Packard was seconded from Malta for service in Cyprus. Part of his secret report stated:

"One of Packard's first tasks was to try to find out what had happened to the Turkish Cypriot hospital patients. Secret discussions took place with a Greek Minister in the collapsed government. After a brief investigation he was able to confirm local rumours.

"It appeared that Greek Cypriot medical staff had slit the patients' throats as they lay in their beds. Their bodies were loaded into a truck and driven to a farm north of the city where they were fed into mechanical choppers and ground into the earth."

Which of the 803 Turkish Cypriot missing persons were the 25 who "disappeared" as established by Commander Packard? This and many other similar questions are awaiting a reply through the efforts of the Committee on Missing Persons.

Most of the cases of 803 Turkish missing persons tell a similarly grim story. Many have been submitted to the Committee on Missing Persons for investigation and more continue to be submitted, but as far as we know from the families concerned the Committee is maintaining its silence, none of the cases having been investigated to a conclusion so far. The Greek Cypriot representative at the Commission should be asked about all these unfortunate Turkish Cypriots who disappeared in the way Commander Packard, to his consternation, found out, after capture or abduction by Greek Cypriot controlled police, army or para-militaries, mostly before the very eyes of their families who have all made statements to that effect. He should also be urged to persuade his Government, the Greek Cypriot Administration of South Cyprus, to cooperate fully with the Committee on Missing Persons in Cyprus so that the cases of all missing persons, both Turkish Cypriot and Greek Cypriot, may be swiftly and fully investigated and concluded. He should further be asked to advise his Government to desist from insisting, as a prior condition before concluding a case, on "location of the buried place and/or the body" for every missing person as unrealistic and impractical, a fact expressed as long ago as 5 March 1976 by Mr. Hoffman, the senior delegate of the International Committee of the Red Cross in Cyprus, in the following words:

"We have done everything possible in order to trace all those reported missing. There is nothing further that we can do. But if both sides agree and ask our help, we are ready. For instance, disinternment and identification of remains is usually resorted to, under the Geneva Conventions, after every conflict. But in this case it is too late to undertake such a task especially because nobody carried identification tags in Cyprus. Therefore our mission in Cyprus has been completed."

In the light of the foregoing facts, I would like to appeal to the Commission on Human Rights to take cognizance of the true situation with regard to the missing persons issue in Cyprus and to urge the Greek Cypriot side to desist from its current unconstructive policy and to adopt a positive and realistic approach so that this tragic humanitarian issue may be finally resolved, thereby removing one of the factors in the way of strengthening the feeling of confidence and spirit of cooperation between the two peoples of Cyprus.